

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3092 OF 2005

IN

SUIT NO.2813 OF 2005

Rohini Dipak Kumar Hikmatsingka. ...Plaintiff.

vs.

1.Jyotsana Rajgarhia & others. ...Defendants.

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Mr.Rahul Dwarkadas i/b. Wadia Gandhi, for Plaintiff.

Mr.H.S.Khokawala i/b. Nankani & Associates, for Defendant no.1

Mr.Rajesh Rathod i/b. Bilawala & Co., for Defendant no.3.

**CORAM: D.K.DESHMUKH,J.**

**DATED: 8<sup>th</sup> June,2007.**

**P.C.:-**

1. By this notice of motion, relief is claimed only against the defendant no.1. The learned Counsel appearing for defendant no.1 states that the defendant no.1 shall continue to abide by the statement

made on behalf of the defendant no.1 which is recorded in the order dated 21.10.2005, during the pendency of the suit. The statement is accepted.

2. So far as the defendant no.2 is concerned, the defendant no.2 has been served. Affidavit of service has been filed. The defendant no.2 has not filed any reply. In the absence of any reply, accepting the averments made in the affidavit filed in support of the notice of motion at face value, the notice of motion is granted in terms of prayer clause (a) as against the defendant no.2. Notice of motion is disposed of.

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